

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.) CRIMINAL NO. 05-10113-DPW
REYLANDO REYES,)
a/k/a REYLANDO RISE,)
a/k/a RAYNALDO RISE,)
a/k/a RAYLANDO RISE,)
a/k/a RAY RISE,)
Defendant.)

GOVERNMENT'S NOTICE OF INTENTION TO INTRODUCE
EVIDENCE PURSUANT TO FED. R. EVID. 404(b)

The United States of America, through its attorneys Michael J. Sullivan, United States Attorney, and Antoinette E.M. Leoney, Assistant U.S. Attorney, hereby gives notice that if the defendant, REYLANDO REYES, a/k/a Reylando Rise, a/k/a Raynaldo Rise, a/k/a Raylando Rise, a/k/a Ray Rise ("Reyes"), denies that he had any motive or intent to possess the ammunition with which he is charged, the government intends to offer testimony regarding his prior state court firearm, ammunition and drug convictions pursuant to Fed. R. Evid. 404(b).

Further, the government may offer evidence of the prior firearm and ammunition convictions if the defendant denies knowledge of weapons and ammunition generally. The prior convictions would not be offered to show that the defendant had propensity to engage in the same type of criminal conduct, but that he did in fact have a motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or

accident, for possessing the ammunition. Similarly, the government may offer evidence of the defendant's post-arrest statements made to Officer Dennis Cogavin incident to the traffic stop on February 27, 2005, namely, that he had "some weed" on him, and the drugs (marijuana and cocaine) recovered from the defendant on February 27, 2005.

The prior state convictions are as follows:

- 1) Assault and Battery by Dangerous Weapon in Boston Municipal Court on 5/31/91 (Docket # 091342);
- 2) Assault and Battery on Police Officer in Boston Municipal Court on 5/31/91 (Docket # 091343);
- 3) Assault and Battery on Police Officer in Boston Municipal Court on 5/31/91 (Docket # 091344);
- 4) Assault and Battery Disorderly Person in Boston Municipal Court on 5/31/91 (Docket # 091345);
- 5) Manufacturing/Distribution/Dispensing Class B Substance and Manufacturing/Distribution/Cultivate Class D Substance in Dorchester District Court on 12/11/91 (CC# 11871150);
- 6) Possession with Intent to Distribute Marijuana, a Class D Controlled Substance, and Distribution of Cocaine, a Class B Controlled Substance in Suffolk Superior Court on 10/21/96 (Docket # 9610152);
- 7) Distribution of Cocaine, a Class B Controlled Substance, in School Zone, and Unlawful Distribution of Class B Controlled Substance in Suffolk Superior Court on 9/16/96 (Docket # 9511673);
- 8) Unlawful Possession of a Firearm in Suffolk Superior Court on 2/13/91 (Docket # 093080);
- 9) Unlawful Possession of Ammunition in Suffolk Superior Court on 2/13/91 (Docket # 093081);
- 10) Receipt of Firearm with Knowledge that its Serial and

Identification Numbers had been defaced, Removed, Obliterated and Mutilated in Suffolk Superior Court on 2/13/91 (Docket # 093082);

- 11) Assault and Battery by Means of a Dangerous Weapon, to wit: a Handgun in Suffolk Superior Court on 2/13/91 (Docket # 090649); and
- 12) Possession of Firearm, to wit: a Handgun, Without Having a License to Carry Firearms, in Suffolk Superior Court on 2/13/91 (Docket # 090650).

Additionally, if the defendant testifies, the government may seek to offer at trial evidence of these prior convictions, defendant's post-arrest statements, and the drugs recovered from the defendant, pursuant to Fed. R. Evid. 609.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Date: July 20, 2006

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
July 20, 2006

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing by electronic court filing notice on defense counsel, Stylianus Sinnis, Esq., Federal Defender Office, 408 Atlantic Avenue, 3rd Fl., Boston, MA 02210.

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY